

# SOUTHERN ENVIRONMENTAL LAW CENTER

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December 6, 2019

**VIA FOIA ONLINE**

National FOIA Office

U.S. Environmental Protection Agency

**Re: Freedom of Information Act Request: Twin Pines File Update**

Dear Sir or Madam:

Under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, the Southern Environmental Law Center (SELC) requests the following documents in the possession or control of the EPA.

- All documents relating to Twin Pines Minerals, LLC's proposed mine near the Okefenokee Swamp. We seek all documents since July 31, 2019.

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic: materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail. SELC requests all documents in native format.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. *See* 5 U.S.C. § 552(a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552(b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. *See* 5 U.S.C. § 552(a)(6)(A)(i).

SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9<sup>th</sup> Cir. 1987); *Pederson v. Resolution Trust Corp.*, 847 F. Supp. 851, 855 (D.Colo.1994); *Etlinger v. FBI*, 596 F. Supp 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." *Pederson*, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with over 30 years of experience disseminating public information regarding Corps regulatory and operations issues. *See* 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific

information regarding the matters with which SELC is involved. Lawyers at SELC are interviewed by the media to explain their work and its significance. SELC's website contains documents generated by SELC for the specific purpose of educating the public on particular issues. SELC also speaks at conferences on particular topics. SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and EPA's response to the proposed mine. SELC further certifies that disclosure of the information sought is not in our commercial interest.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$100.00. SELC reserves its right to appeal a fee waiver or reduction denial.

If you have any questions regarding this request, please feel free to contact me at 404-521-9900 or bsherrier@selcga.org. I appreciate your prompt attention to this matter and look forward to receiving the public records requested.

Sincerely,

Bob Sherrier  
Associate Attorney